

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:16-cr-00024-RLY-MPB
)	
GARY WALTER BEDNAR,)	-01
)	
Defendant.)	

REPORT AND RECOMMENDATION

On September 25, 2020, the Court held an Initial Appearance on a USPO Petition for Warrant for Violation of Supervised Release. A second alleged violation was added in a supplemental petition filed October 20, 2020. On October 20, 2020, the Court held a Final Hearing. Therein, Defendant Bednar appeared in person with his retained counsel Jake Warrum. The government appeared by Assistant United States Attorney Todd Shellenbarger, The United States Probation and Parole Office was represented by Officer Justin Driskill.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Bednar of his rights and provided him with a copy of the petition and supplemental petition. Defendant Bednar waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Bednar admitted violation #2. ([Docket No. 82](#)). The government indicated it did not intend to proceed as to Violation #1.
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

	Violation Number	Nature of Noncompliance
	2	<p>"You shall not use or possess alcohol."</p> <p>On September 22, 2020, this officer spoke with Gary Bednar in regards to his arrest on new criminal charges. Mr. Bednar stated the following, "I messed up, went to a bar and had a few drinks."</p>

4. The parties stipulated that:

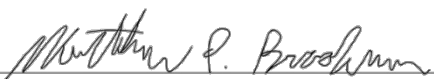
- (a) The highest grade of violation is a Grade C violation.
- (b) Defendant's criminal history category is IV.
- (c) The advisory range of imprisonment applicable upon revocation of supervised release, therefore, is 6-12 months' imprisonment.

5. The parties jointly recommended a sentence of nine (9) months with no further supervision upon release from imprisonment.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he be sentenced to the custody of the Attorney General or his designee for a period of nine (9) months with no further supervision upon release from the Bureau of Prisons.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: October 22, 2020


 Matthew P. Brookman
 United States Magistrate Judge
 Southern District of Indiana

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